

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KIRK ORMAND DAVIS,

Defendant.

Case Nos. 2:12-cr-373-GMN
2:13-cr-55-GMN

ORDER Denying Defendant's Motion to Dismiss, Finding a Substantial Probability that Davis Will Attain Capacity to Permit Proceedings to Go Forward, and Ordering Continued Treatment Until Davis Mental Condition is So Improved

Based upon the submissions of the parties, the reports of treating and evaluating mental health providers, the observations of this Court and the record in this case, defendant's motion to dismiss at ECF 160 in 2:12-cr-373 and ECF 146 in 2:13-cr-55 is DENIED without prejudice.

The Court finds as follows:

(1) There is a substantial probability that in the foreseeable future defendant Davis will attain the capacity to permit the proceedings to go forward.

(2) There is a substantial probability that within a reasonable period of time, not to exceed eight months from May 23, 2024, defendant Davis will attain the capacity to permit the proceedings to go forward.

IT IS HEREBY ORDERED that defendant Davis is committed to the continued custody of the Attorney General under 18 U.S.C. § 4241(d)(2), who shall continue to hospitalize

1 defendant Davis for treatment in a suitable facility until such time as he attains the capacity
2 to permit the proceedings to go forward, or until January 23, 2025, whichever is earlier.

3 The Government may request an extension for an additional reasonable period of time to
4 extend past January 23, 2025, if necessary. IT IS FURTHER ORDERED that the facility
5 so designated by the Attorney General shall make interim status reports to this Court every
6 60 days from the date of this order. IT IS FURTHER ORDERED that the Government
7 shall provide Defense Counsel with all of Davis's medical records in its possession
8 beginning January 23, 2024.

9 IT IS SO ORDERED.

10 Dated this August 20, 2024.



HONORABLE GLORIA M. NAVARRO
UNITED STATES DISTRICT JUDGE